

## **Title 2**

### **GOVERNANCE AND ADMINISTRATION**

#### **Chapters**

- 2.10 General Provisions**
- 2.20 Elected Officers**
- 2.30 City Council Procedures**
- 2.40 City Manager**
- 2.50 Appointed Officers and Employees**
- 2.60 Community Development Department**
- 2.70 Public Works Department**
- 2.80 Finance Department**
- 2.90 Treasury Department**
- 2.100 Administrative Services Department**
- 2.110 Office of the City Attorney**
- 2.120 Fire Department**
- 2.130 Police Department**
- 2.140 Standing Advisory Committees; Volunteers**
- 2.150 Budget and Fiscal Procedures**
- 2.160 Purchasing Goods and Services**
- 2.170 Claims and Risk Management**
- 2.180 Employee Appeals Board**
- 2.190 Conflicts of Interest**
- 2.200 Government Records Access and Management**
  - Chart 2.210 Organizational Chart**
  - Chart 2.220 Council Districts**

## **Chapter 2.50**

### **APPOINTED OFFICERS AND EMPLOYEES**

- 2.50.010 Structure of executive branch**
- 2.50.020 Creation of city offices and departments.**
- 2.50.030 Statutory officers.**
- 2.50.040 General duties of directors of offices and departments.**
- 2.50.050 Personnel policies and procedures generally.**
- 2.50.060 Personnel director.**
- 2.50.070 Equal opportunity employer.**
- 2.50.080 Rules of conduct.**
- 2.50.090 Personnel file.**
- 2.50.100 Compensation.**
- 2.50.110 Benefits.**
- 2.50.120 Sexual harassment.**
- 2.50.130 Discipline.**
- 2.50.140 Term of office**
- 2.50.150 Separation from service.**
- 2.50.160 Internal grievance procedure.**

#### **2.50.010 Structure of executive branch.**

A. The executive branch of city government is headed by the city manager, and consists of the various departments, offices, officers, boards and commissions designated in this title and other applicable ordinances.

B. The executive branch is structured into the following departments and offices, each of which is headed by a department director or other officer designated in this title, and all of which are subordinate to the city manager:

1. Community development department;
2. Public works department;
3. Finance department;
4. Treasury department;
5. Administrative services department;
6. Office of the city attorney;
7. Fire department; and
8. Police department.

#### **2.50.020 Creation of city offices and departments.**

A. The city manager, with the advice and consent of the city council, may create any office or department deemed necessary for the city's executive branch to accomplish its administrative functions. With advice and consent of the city council, the city manager shall appoint or delegate the power to appoint such personnel as are necessary or advisable to fulfill the duties and obligations of any office or department created under this title.

B. The services of certain of the city's statutory officers, departments or divisions, or heads or staff thereof, as determined by the city manager with advice and consent of the city council, may be provided by third-party providers pursuant to written agreements approved by the city council.

#### **2.50.030 Statutory officers.**

The city's statutory officers consist of the city recorder, the city treasurer, the city director of finance, the city budget officer, the city attorney and the city engineer. All of the city's statutory officers shall be appointed and removed from office by the city manager with advice and consent of the city council. Except as otherwise specified in this title, all of the city's statutory officers report directly to the city manager and are subject to the city manager's supervision and control, notwithstanding that certain of the city's statutory officers may be grouped, for organizational purposes, in a city department led by another statutory officer or department head.

#### **2.50.040 General duties of directors of offices and departments.**

A. Each director of a city office or department shall perform all duties required of his office by state law, by this code and other ordinances of the city, and such other

duties as may be properly required by the city manager.

B. Subject to the direction and control of the city manager, each director shall:

1. Be immediately responsible to the city manager for the effective administration of his office or department and all activities assigned to such office or department.

2. With the approval of the city manager, develop and maintain an up-to-date departmental policies and procedures manual containing policies, procedures and instructions for carrying out departmental operations in conformity with law and other city policies and in an efficient and effective manner. Such rules and regulations shall be subject to review and modification by the city manager.

3. Keep informed as to the latest practices in his particular field and inaugurate, with the approval of the city manager, such new practices as appear to be of benefit to the city's administrative services and to the public.

4. Regularly report to the city manager concerning the activities of his office or department.

5. Establish and maintain a system of filing and indexing records and reports in sufficient detail to furnish all information necessary for proper control of departmental activities and to form a basis for the periodic reports to the city manager.

6. Have power, when authorized by the city manager, to appoint and remove, subject to personnel rules and regulations, all subordinates under him.

7. Exercise authority over all subordinates, including documentation of any personnel actions, goals or conduct.

8. Be responsible for the proper maintenance, care and inventory of all city property and equipment used in his office or department.

9. Designate, with the city manager's approval, an assistant director or acting

director to perform such duties as are assigned during his absence or inability to act.

10. Assign and reassign subordinates to such offices, duties and responsibilities as are necessary to accomplish the director's duties and other assignments of the city manager.

11. Provide for the education and training of subordinates.

12. Prepare and submit to the city manager a tentative departmental budget.

13. Be responsible to keep expenditures of the department within the budget approved by the city council.

14. Deliver all records, documents and property of every description, belonging to the office or to the city, to his successor in office.

15. Implementation of departmental emergency procedures as provided in the city's emergency management plan.

C. Each director shall have such authority as is necessary to enable him to carry out the duties and responsibilities assigned to him by this section or by direction of the city manager. The designation of a duty or responsibility shall constitute such authority as is necessary to effect the duty or responsibility so imposed.

D. Each department shall furnish, upon the direction of the city manager, any other department such available service, labor and materials as may be requisitioned by the head of such department. Any such items shall be furnished through the same procedure and subject to the same audit and control as other expenditures are incurred.

E. All departments within the city shall:

1. Be open during regular business hours as defined by the city manager.

2. Regularly deposit with the city treasurer any public monies as specified by the city treasurer in accordance with applicable law.

3. Pay out city monies only in the manner prescribed by law, ordinance and city policy.

**2.50.050 Personnel policies and procedures generally.**

The city may establish and adopt personnel policies and procedures consistent with all applicable ordinances, laws and regulations for the efficient administration, organization, operation, and conduct of its personnel.

**2.50.060 Personnel director.**

The city manager is hereby designated as the city's personnel director to insure just and equitable employment conditions and to promote positive and efficient working morale for all city personnel. As personnel director, the city manager shall implement and maintain the provisions of this chapter and perform other duties as required by ordinance, resolution or policy of the city council. The city manager may delegate performance of his responsibilities under this section to a human resources director, personnel director, or other appropriate officer, employee or agent of the city.

**2.50.070 Equal opportunity employer.**

The city is an "equal opportunity employer" and, as such, shall not improperly discriminate in the hiring, employment or promotion of its employees on the basis of race, sex, color, national origin, age, religion, disability or status as a veteran in accordance with applicable state and federal laws.

**2.50.080 Rules of conduct.**

All employees of the city shall conduct themselves in an appropriate manner in accordance with the personnel policies and procedures adopted by the city. City employees also shall be subject to and shall comply with provisions of the Municipal

Officers' and Employees' Ethics Act, UTAH CODE ANN. §10-3-1301, *et seq.*, and any similar provisions set forth in this title.

**2.50.090 Personnel file.**

A personnel file shall be kept for each city employee, excluding elected officials, volunteers and contractors. The file shall contain a copy of all records relating to employment of the employee including, without limitation, records regarding hiring, compensation, leave, personal time off, awards, grievances, disciplinary actions, education, training programs, and any other relevant records. All personnel records shall be maintained, classified and accessed in accordance with the Government Records Access and Management Act and applicable city ordinances.

**2.50.100 Compensation.**

City employees shall be compensated in accordance with a schedule of salary rates or ranges for each job classification as set forth by the city manager and approved by the city council. In arriving at the salary rates or ranges, the city manager and city council may consider the prevailing rates of pay and working conditions for comparable work in other public agencies and private employment, current costs of living, suggestions of department heads, city financial condition, policies, procedures and other relevant considerations.

**2.50.110 Benefits.**

City employees may receive such benefits as may be provided in the city's approved personnel policies and procedures or as required by law.

**2.50.120 Sexual harassment.**

Sexual harassment in any form is prohibited and shall be addressed as specified in the city's adopted personnel policies and procedures.

### **2.50.130 Discipline.**

Employees may be disciplined for good cause through informal or formal disciplinary action in accordance with the personnel policies and procedures adopted by the city.

### **2.50.140 Duration of employment.**

A. City employees shall hold employment without limitation of time, being subject to discharge, suspension of over two days without pay, or involuntary transfer to a position with less remuneration, only as provided in UTAH CODE ANN. §10-3-1106 or any successor statute. This section does not apply to any police chief or deputy police chief, fire chief or deputy/assistant, the head or deputy head of any municipal department, a probationary employee, a part-time employee, a seasonal employee, or any other person covered by UTAH CODE ANN. §10-3-1105(2) or any successor statute.

B. No city employee covered by this section shall be discharged, suspended for over two days without pay, or involuntarily transferred to a position with less remuneration because of the employee's politics or religious belief, or incident to, or through changes, either in the elective officers, governing body, or heads of departments. In the event of such an improper discharge, suspension or transfer, the affected employee shall have the right to appeal such action to the city's employee appeal board under chapter 2.180 of this title.

C. Notwithstanding anything to the contrary in any city policies, procedures, resolutions, practice, or customs, no city officer or employee shall have any property right in any expectation of continued employment by the city unless expressed in a writing authorized by resolution of the city council.

### **2.50.150 Separation from service.**

Employees may be separated from service with the city in the following manner:

A. Resignation. An employee desiring to discontinue his or her employment with the city shall file a written resignation with the department head stating the effective date of resignation and the reasons for resignation at least two (2) weeks prior to the effective date of resignation.

B. Reduction in Force (RIF). An employee may be laid off by the city due to change in the organization of city personnel, material change in the duties of the employee's position, shortage in the work requirements of the city, shortage in the funding of the city, or when otherwise necessary in the best interest of the city.

C. Dismissal. An employee may be dismissed by the city for any reason permitted by law; provided however, that any such dismissal shall be accomplished in accordance with the city's personnel policies and procedures and all applicable law.

### **2.50.160 Internal grievance procedure.**

A. Subject to any contrary requirements of law, an employee with a job-related grievance shall exhaust the procedure set forth in this section before seeking resolution of such matter through the city's employee appeal board under chapter 2.180 of this code (if available for the grievance in question) or the courts.

B. Any misunderstanding, conflict or problem must first be discussed with the employee's immediate supervisor to allow that supervisor the opportunity to resolve the misunderstanding, conflict or problem, except in situations where such approach would be patently unreasonable (such as a sexual harassment problem with such supervisor).

C. If the misunderstanding, conflict or problem is not resolved after discussion with the employee's immediate supervisor, the employee may request a meeting with the city manager. Typically, the city's human resource director also should attend such meeting. The city manager will consider the facts, conduct an investigation, and may also review the matter with the human resource director and/or the city attorney. The city manager will respond to the employee within ten (10) working days of the meeting with the employee.

D. If the employee is not satisfied with the city manager's decision or the city manager does not respond within ten (10) working days after the meeting with the employee and the employee wishes to continue the appeal, then the employee may pursue such appeal to the employee appeal board (if available for the grievance in question) or the courts.

## **Chapter 2.60**

### **COMMUNITY DEVELOPMENT DEPARTMENT**

#### **2.60.010 Duties of community development director.**

#### **2.60.020 Organization of community development department.**

#### **2.60.030 Planning and zoning division.**

#### **2.60.040 Building inspection division.**

#### **2.60.050 Ordinance enforcement division.**

#### **2.60.010 Duties of community development director.**

In all cases where the duty is not expressly charged to any other department or office, it is the duty of the director of the city's community development department to:

A. Plan, promote, and coordinate all activities affecting community development;

B. Speak on behalf of the department concerning the public issues in the community over which the department has jurisdiction or advisory responsibility;

C. Establish overall work priorities and allocate work among the staff and divisions within the department;

D. Review the work of all divisions and make the final decisions for the department;

E. Coordinate departmental activities with other departments; and

F. Perform all such related duties and such others as may be imposed by statute, by ordinance, or by the city manager.

G. With the advice and consent of the city manager, appoint one of the department's division directors to act as the deputy director of community development.

#### **2.60.020 Organization of community development department.**

The community development department is divided into the planning division, the building inspection division, and the ordinance enforcement division.

#### **2.60.030 Planning division.**

The planning division is supervised by the planning director, and shall consist of the planning director and such deputies, assistants and staff as may be required or advisable. The planning division is responsible for the following functions:

A. Long-range planning, including land use, housing, economics, policies, the major street plan, the general plan, and assisting in the development of the capital facilities plan and the adoption of any related impact fees.

B. Current planning, including reviewing all new development, handling land use problems and applications on a day-to-day basis, providing technical staff assistance and liaison to board of adjustment and the planning commission, providing technical assistance for the ordinance enforcement division, and the development of short-range land use plans.

C. Performing such other duties and functions as may be assigned by the community development director or the city manager.

#### **2.60.040 Building inspection division.**

The building inspection division is supervised by the chief building official, and consists of that official and such assistants and staff as may be required or advisable. The building inspection division shall:

A. Inspect or supervise the inspection of all work done under the provisions of the uniform codes adopted by the city.

B. Inspect or supervise the inspection of all premises, including structures and appurtenances thereon, for safety.

C. Perform such zoning ordinance compliance as directed by the community development director.

D. Examine or supervise the examination of all construction plans to assure their compliance with the building codes and other appropriate laws and ordinances.

E. Issue building permits when plans comply with the building codes and all other appropriate laws and ordinances.

F. Assist and advise the public with respect to construction and code requirements.

G. Investigate complaints or information regarding the probability of the presence of hazardous or illegal conditions or uses in premises.

H. Perform, when requested or directed, inspections for compliance with the requirements of the community development department, the public works department, and the fire department pursuant to the city's subdivision ordinance.

I. Perform business license inspections.

J. Perform any other inspections or services directed by the city manager or the director of the community development department.

K. Perform such other duties and functions as may be assigned by the community development director or the city manager.

#### **2.60.050 Ordinance enforcement division.**

The ordinance enforcement division is supervised by the ordinance enforcement supervisor, and shall consist of the supervisor and such assistants and staff as may be required or advisable. The ordinance enforcement division is responsible for:

A. Enforcing or assisting in the enforcement of city zoning, business licensing, health and other ordinances,

including coordination of all ordinance enforcement within the city.

B. Abating nuisances and other unsightly or noxious objects or sounds.

C. Enforcing animal control ordinances and providing animal control pickup service.

D. Administering the city's animal licensing program.

E. Promulgating rules and regulations in conformity with state law and city ordinances dealing with animal licensing and regulation, tags, and collars; running at large and impounding; notice to owners and redemption; disposition of unclaimed or infected animals; confinement of certain animals and muzzling; rabies control and notices vaccinations, and enforcing the same; and other pertinent matters.

F. Managing the impound, care, redemption, sale, and euthanasia of animals.

G. Conducting publicity programs to acquaint the public with the laws and regulations dealing with animal ownership and control.

H. Performing such other duties and functions as may be assigned by the community development director or the city manager.



## **Chapter 2.70**

### **PUBLIC WORKS DEPARTMENT**

#### **Sections:**

#### **2.70.010 Duties of the public works director.**

#### **2.70.020 Organization of the public works department.**

#### **2.70.030 Engineering division.**

#### **2.70.040 Street maintenance division.**

#### **2.70.050 Storm drain maintenance division.**

#### **2.70.060 Fleet management.**

#### **2.70.070 Public facilities maintenance division.**

#### **2.70.010 Duties of the public works director.**

The public works director is responsible for all matters relating to engineering review, construction, management, maintenance, and operation of the physical properties of the city.

#### **2.70.020 Organization of the public works department.**

The public works department is divided into the engineering division, the street maintenance division, the storm drain maintenance division, and the public facilities maintenance division.

#### **2.70.030 Engineering division.**

The engineering division is supervised by the city engineer. The city engineer is a statutory officer of the city who shall be appointed and removed by the city manager with advice and consent of the city council. The engineering division shall:

A. Perform and/or supervise the performance of all engineering services for the public works department and for such other departments of the city as may from time to time require such services.

B. Inspect or supervise the inspection of work involving the construction of streets, sidewalks, curbs, gutters, rights-of-way, drainage facilities, traffic control devices, and all other public improvements.

C. Serve as the office of records for all maps, plans, plats, profiles, drawings, final estimates, specifications, and copies of contracts which in any way relate to the public improvements and engineering affairs of the city and be custodian of all of the above-mentioned drawings and documents.

D. Provide for planning and engineering of flood control facilities, including channels, ditches, open drains, and storm drains which are included in the flood control system or designated by the public works director or the city manager as having a public interest.

E. Perform such other duties and functions as may be assigned by the public works director or the city manager.

#### **2.70.040 Street maintenance division.**

The street maintenance division is supervised by the street superintendent and shall:

A. Maintain all city streets, sidewalks and city rights of way in a safe and attractive condition and provide for their repair and maintenance.

B. Maintain all necessary traffic control signals and signs.

C. Provide for the removal of snow and other hazards from city streets.

D. Perform such other duties and functions as may be assigned by the public works director or the city manager.

#### **2.70.050 Storm drain maintenance division.**

The storm drain maintenance division is supervised by the storm drain supervisor and shall:

A. Maintain all public watercourses and floodways in a safe and attractive condition

and provide for their repair and maintenance.

B. Provide for an ongoing maintenance program and direct the cleaning and maintenance of natural channels, ditches, open drains, and storm drains which are included in the storm drainage and flood control system.

C. Perform such other duties and functions as may be assigned by the public works director or the city manager.

#### **2.70.060 Fleet management.**

The public works director may appoint a fleet manager to develop, implement and administer a fleet management policy for the city. The fleet manager shall do the following:

A. Be responsible for the management of all city vehicles and equipment, including maintenance, replacement, disposal, licensing, and issuing fuel cards.

B. In cooperation with each city department, determine the most appropriate vehicle for each approved use and prepare and maintain a list of approved vehicles for each use.

C. Perform such other duties and functions as may be assigned by the public works director or the city manager.

#### **2.70.070 Public facilities maintenance division.**

The public facilities maintenance division is supervised by the public facilities maintenance manager and shall be responsible for the management, maintenance, and operation of all municipal buildings, properties and public facilities. Such division also shall perform such other duties and functions as may be assigned by the public works director or the city manager, such as placing and removing publicity banners for city events.

## Chapter 2.80

### FINANCE DEPARTMENT

#### Sections:

#### **2.80.010 Finance department.**

#### **2.80.020 Duties of finance director.**

#### **2.80.010 Finance department.**

In all cases where the duty is not expressly charged to any other department or office, it is the duty of the finance department to act to promote, secure, and preserve the financial and property interests of the city; to supervise financial activities; to advise the city manager on fiscal policy; and to make interim and annual financial reports as requested by the city manager.

#### **2.80.020 Duties of finance director.**

A. The finance director is a statutory officer of the city who shall be appointed and removed by the city manager with advice and consent of the city council. The finance department is supervised by the finance director and shall consist of the finance director and such deputies, assistants and staff as may be appointed by the city manager.

B. The finance director shall:

1. Exercise general supervision over all officers of the city, other than the city treasurer and his staff, regarding the proper management of the fiscal concerns of their respective offices.

2. Examine the financial books of each department from time to time, and see that the books are kept in proper form.

3. See that officers and employees receiving money pay the same to the treasury department, when required; that all necessary financial reports are made by officers and employees; and that all delinquencies in such payments or reports are reported to the city manager.

4. Report the default in any payment by any city officer or employee to the city manager, who shall direct the city attorney to take immediate legal measures for the recovery of the amount which may be in default.

5. Organize and maintain records of duplicate receipts, summary reports or other evidences of payment received from the city treasurer.

6. Assist the city's budget office in complying with the requirements of the Uniform Fiscal Procedures Act for Utah Cities, UTAH CODE ANN. §10-6-101, *et seq.*

7. Perform the following accounting functions for the city:

(a) Examine and conduct special audits of the accounts of all officers and departments of the city, subject to the approval of the city manager.

(b) Prescribe the form of accounts and reports to be rendered to the finance department.

(c) Maintain the general books for each fund of the city and all subsidiary records relating thereto, including a list of the outstanding bonds, their purpose, amount, terms, date and place payable, and the accounts of all receiving and disbursing officers of the city.

(d) Prepare, at least monthly, statements of cash on hand and of classified unencumbered appropriation balances for the city as a whole, and such other financial statements as from time to time may be required or advisable.

(e) Keep all departments, boards, agencies, commissions, or institutions currently informed of its classified unencumbered appropriation balances.

(f) Prepare payroll and administer the city's accounts payable in accordance with state law and city policy.

(g) Prepare and present to the city manager and city council appropriate monthly, quarterly and annual financial

reports in conformity with generally accepted accounting principles, as prescribed in the Uniform Accounting Manual for Utah Cities.

(h) Keep general accounting records and maintain or supervise city accounts, including accounts payable, special assessments, other service charges, utilities and others.

8. Perform the following purchasing functions for the city:

(a) Have such powers and duties as may be prescribed by state law or city ordinance, including, without limitation, chapter 2.160 of this title.

(b) Purchase or contract for all supplies and contractual services needed by any city board, commission, or department, or by any using agency which derives its support wholly or in part from the city, in accordance with purchasing procedures as prescribed by law or ordinance and such rules and regulations as the finance director or city manager shall adopt for the internal management and operation of the city's purchasing functions.

(c) Act to procure for the city the highest quality in goods and contractual services at the least expense to the city.

(d) Encourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales.

(e) Keep informed of current developments in the field of purchasing, prices, market conditions, and new products, and secure for the city the benefits of research done in the field of purchasing by other governmental jurisdictions, national technical societies, trade associations having national recognition, and by private businesses and organizations.

(f) Prescribe and maintain such forms as may be reasonably necessary to accomplish its duties.

(g) Prepare and adopt a standard purchasing nomenclature for using departments and suppliers.

(h) Prepare, adopt, and maintain a vendors' catalog file, which shall be filed according to materials and shall contain descriptions of vendors' commodities, prices, and discounts.

(i) Explore the possibilities of buying "in bulk," so as to take full advantage of discounts.

(j) Act so as to procure for the city all federal and state tax exemptions to which it is entitled.

(k) Have the authority to declare vendors who default on their quotations as irresponsible bidders and to disqualify them from receiving any business from the city for a stated period of time.

(l) Establish and amend, when necessary, such rules and regulations as may be necessary and proper for carrying into execution the foregoing powers.

(m) Keep and maintain all city asset records except as otherwise provided in this code.

(n) Establish procedures for disposal of city-owned obsolete or surplus property.

9. Perform such other duties and functions as may be prescribed by law, ordinance, resolution or directive of the city manager.

## **Chapter 2.90**

### **TREASURY DEPARTMENT**

#### **Sections:**

#### **2.90.010 Organization.**

#### **2.90.020 Duties and powers.**

#### **2.90.010 Organization.**

The treasury department is supervised by the city treasurer. The city treasurer is a statutory officer of the city that reports directly to the city manager and who shall be appointed and removed by the city manager with advice and consent of the city council. The treasury department consists of the city treasurer and such deputies, assistants and staff as may be appointed by the city manager.

#### **2.90.020 Duties and powers.**

The city treasurer shall:

A. Establish in the city's accounting system a full and accurate account of all the monies, bonds, or other securities received and disbursed by the city treasurer in behalf of the city, specifying the time of receipt and disbursement, from whom received and to whom disbursed, on what account received and disbursed, and how paid.

B. Cancel all warrants and other evidences of debt against the city whenever paid by the city treasurer, by writing or stamping across the face thereof the words, "Paid by the City Treasurer" or comparable, with the date of payment written or stamped thereon.

C. Give to every person paying money to the city a receipt or other evidence of payment therefor, specifying, as appropriate, the date of payment and upon which account paid, and shall file the duplicate of the receipt, a summary report, or other evidence of payment with the finance director.

D. Receive and have custody of all monies paid to the city and disburse city monies upon the warrant of the finance director. The city treasurer or his authorized deputy shall sign all checks prepared by the finance director. Prior to affixing his signature, the city treasurer shall determine that a sufficient amount is on deposit in the appropriate bank account of the city to honor the check. The city manager may also designate a person in addition to the city treasurer to countersign checks.

E. Pay city employees, upon presentation of the properly certified payroll.

F. Demand and receive all monies and fees owing to the city whenever any person is indebted to the city in any manner and the means of collection of such debt is not otherwise provided for by law. When any claim is not collectible by other methods, the city treasurer shall report the same to the city attorney for possible legal action.

G. Receive all money payable to the city within three business days after collection, including all taxes, licenses, fines, and intergovernmental revenue, and keep an accurate detailed account thereof in the manner provided by state law, ordinance, or resolution.

H. Promptly deposit all city funds in the appropriate bank accounts of the city.

I. Collect all special taxes and assessments, as provided by law and ordinance. All money received by the city treasurer on any special assessment shall be applied to the payment of the improvement for which the assessment was made. The money shall be used for the payment of interest and principal on bonds or other indebtedness issued in settlement thereof, and shall be used for no other purpose whatever, except as otherwise provided in UTAH CODE ANN. §10-6-131.

J. If the city is without sufficient funds on deposit in one of its appropriate bank accounts, the finance director shall draw and

sign a warrant upon the city treasurer of the payee named thereon. The city treasurer shall pay all warrants in the order in which presented and as money becomes available for payment thereof in the appropriate funds of the city. The city treasurer shall note upon the back of each warrant presented the date of presentation and the date of payment.

K. Determine the cash requirements of the city and provide for the investment of all city monies pursuant to the procedures and requirements of the State Money Management Act, UTAH CODE ANN. §51-7-1, *et seq.*

L. At least once each month, balance accounts with the finance director. In connection therewith, the city treasurer shall inform the finance director of the settlement of any warrants issued by the finance director and shall provide all cancelled warrants to the finance director.

N. Fully cooperate with the finance director's responsibility to prepare and present to the city manager and city council appropriate monthly, quarterly and annual financial reports in conformity with generally accepted accounting principles, as prescribed in the Uniform Accounting Manual for Utah Cities.

O. Perform such other duties and functions as may be assigned by the city manager.

## **Chapter 2.100**

### **ADMINISTRATIVE SERVICES DEPARTMENT**

#### **Sections:**

- 2.100.010 Organization.**
- 2.100.020 City recorder office.**
- 2.100.030 Business licensing division.**
- 2.100.040 Human resources division.**
- 2.100.050 Customer and community service division.**

#### **2.100.010 Organization.**

The administrative services department is supervised by a director appointed by the manager. The administrative services department is divided into the city recorder office, the business licensing division, the human resources division, and the customer and community service division.

#### **2.100.020 City recorder office**

The city recorder is a statutory officer of the city who reports directly to the city manager and who is appointed and removed by the city manager with advice and consent of the city council. The city recorder office is supervised by the city recorder and shall consist of the city recorder and such deputies as may be appointed by the city manager, who shall serve under the supervision of the city recorder and shall have authority to act in the absence of the city recorder. The city recorder office may also include additional employees and contract providers appointed by the city recorder with approval of the city manager. The city recorder shall:

A. Serve as clerk of the city council, attending its meetings, keeping the record of its proceedings, and performing such other duties of a like nature as may be required by

the city council, by city ordinance, or by state or federal law.

B. Be responsible for the recording, filing, indexing, making available for public inspection, and safekeeping of all proceedings of the city council and other records of the city.

C. Record all ordinances in full, uniformly and permanently, and authenticate the same. The recorder shall record, in a book used exclusively for that purpose, all ordinances passed by the city council, and shall assign each ordinance an identifying number, if the city council has not already done so. Immediately following the adoption of each ordinance or codification of ordinances, the city recorder shall make or cause to be made a certificate stating the date of passage and of the date of publication or posting, as required. The record and memorandum, or a certified copy thereof, shall be prima facie evidence of the contents, passage, and publication or posting of the ordinance or codification.

D. Post or publish, as required by law, ordinances and resolutions adopted by the city council, and all legal notices.

E. Supervise all municipal elections in accordance with state law and city ordinances, and keep and maintain all election records and have custody of all property used in connection therewith, according to law.

F. Countersign all contracts made on behalf of the city and maintain a properly indexed record of all contracts, agreements, deeds, rights-of-way, and other legal documents to which the city is a party.

G. Prepare, attest, and report on the vital statistics of the city, as requested by the city manager or the city council.

H. Notify the appointing authority of the impending expiration of the term of office of a member of any board or commission, such notice to be given at least 30 days before such expiration.

I. Be the custodian of the official seal of the city.

J. Act as the city records officer to oversee and coordinate records access and management and city archives activities as required by local, state, and federal law.

K. Be responsible for city compliance with the "Government Records Access Management Act" ("GRAMA"), UTAH CODE ANN. §63-2-101, *et seq.*, including proper response to requests for information and copies of records thereunder.

L. Be present at the opening of all sealed bids under chapter 2.150.

M. Serve as clerk of the city's planning commission, board of adjustment, and other public bodies, attending meetings, keeping the record of proceedings, and performing such other duties of a like nature as may be required by the city council, by the city manager, by city ordinance, or by state or federal law.

N. Perform such other duties as may be required by applicable law or by direction of the city manager.

#### **2.100.030 Business licensing division.**

The business licensing division is supervised by the city's administrative services director with the assistance of the business licensing clerk and shall:

A. Collect all license fees and issue all licenses in the name of the city to all qualified persons.

B. Promulgate, enforce, and supervise the enforcement of all reasonable rules and regulations necessary to the operation of the business licensing division.

C. Adopt all forms and prescribe the information to be given therein as to character and other relevant matters.

D. Require applicants to submit any affidavits necessary and proper in the licensing process.

E. Organize and maintain accurate and complete files on applications and licenses.

F. Perform such other duties and functions as may be assigned by the city recorder or the city manager.

#### **2.100.040 Human resources division.**

The human resources division is supervised by the city's human resources director, and shall consist of such deputies, employees and contract providers as may be appointed with the city manager's prior consent.

A. The human resources division shall be responsible for the administration of all personnel functions of the city, including, without limitation, the functions of employee recruiting and certification, employee classification and evaluation, administration of benefits, wage and compensation plans, labor relations, training, employee safety and health, equal opportunity employment, affirmative action and maintenance of all city personnel records.

B. Equal Employment Opportunity (EEO) Officer. The function of the equal employment opportunity officer is assigned to the human resource director, who may delegate the functions but not the responsibility therefor. The EEO officer shall be responsible for developing and monitoring equal employment opportunity and employee affirmative action programs throughout the city in accordance with applicable federal, state and city laws and guidelines.

C. Occupational Safety and Health (OSHO) Officer. The function of the occupational safety and health officer is assigned to the human resource director, who may delegate functions but not the responsibility therefore. The OSHO officer shall be responsible for surveying and assessing hazardous or unhealthful working conditions for city employees and for developing and monitoring safety and health programs throughout the city.



D. Civil Service Commission. If the city empanels a civil service commission, then the human resources division shall provide staff and clerical support to aid such commission in fulfilling its duties under state law and this code.

E. Employee Appeals Board. The division shall arrange for the selection of members of the board and provide staff support as it deems necessary to aid the board in the performance of its functions.

**2.100.050 Customer and community service division.**

The customer and community service division is supervised by the city's customer and community service director, and shall consist of such deputies, employees and contract providers as may be appointed with the city manager's prior consent. The customer and community service division shall be responsible for the performance of all customer and community services of the city not otherwise assigned and delegated by this title or by direction of the city manager, including, without limitation, the following:

A. Receiving (in person or via telephone, facsimile, e-mail or other means) customer communications and directing such to the appropriate city departments for response.

B. Cashiering and receiving\receipting miscellaneous payments to the city.

C. Acting as webmaster of the city's official website and keeping such website updated and properly functioning.

D. Coordinating, overseeing and serving as a resource for city's internal and external events as directed by the department director or the city manager.

## **Chapter 2.110**

### **OFFICE OF THE CITY ATTORNEY**

#### **Sections:**

**2.110.010 Organization.**

**2.110.020 Duties and powers.**

**2.110.030 Correction of technical errors to city code.**

#### **2.110.010 Organization.**

A. The city attorney is a statutory officer of the city who shall be appointed and removed by the city manager with advice and consent of the city council. The city attorney shall be an attorney at law and must, throughout his tenure, be duly admitted to practice law in Utah.

B. The city attorney's office is supervised by the city attorney and consists of the city attorney and such assistants and other staff members as may be appointed by the city manager. The city manager may provide the city attorney such assistance as may be deemed necessary or advisable and may, upon his own motion or upon request of the city attorney in special cases, employ special counsel to serve under the direction of the city attorney.

#### **2.110.020 Duties and powers.**

The city attorney shall be the city's chief legal officer and representative, and shall:

A. Advise the city council, the city manager and other city officers and employees, including members of boards and commissions, on matters of law affecting the city or their actions.

B. Prosecute violations of city ordinances; provided, however, that the city may obtain such criminal prosecution services under contract with an independent contract provider, in which event such prosecutor shall be supervised by the city manager with assistance from the city attorney.

C. Prepare and review contracts, ordinances, resolutions and other legal documents concerning the city.

D. Approve as to form all contracts, legal instruments and bonds affecting the city.

E. Represent the city in litigation in which the city is a party and/or cooperate with outside counsel hired for such litigation.

F. Defend all city officials and employees in any civil action when authorized to do so by state law, city ordinance, or resolution of the city council.

G. Handle and participate in, including the filing of friend of the court pleadings, litigation which directly affects an identifiable class of city residents and which is authorized by the city council; provided such litigation does not create a conflict of interest for the city or for the city attorney in the performance of his professional responsibilities.

H. Advise the city concerning risk management issues, insurance coverage and the like.

I. Have the power to adjust, settle, compromise, or submit to arbitration or mediation any action, cause of action, account, debt, claim, demand, dispute or other matters in favor of or against the city or in which the city is concerned as a party, now existing or which may hereafter arise, when it is not covered by any city insurance policy and upon approval of the city manager.

J. Advise the city manager concerning legal issues involved in employee hirings, firings and discipline, as requested by the city manager, and handle other personnel matters as directed by the city manager, including city representation before any board, commission or body with oversight over such matters.

K. Report status and outcome to the city manager and the city council of any litigation in which the city has an interest.

L. Administer the office of the city attorney and supervise the employees assigned to that office.

M. Perform such other duties as are imposed by city ordinance or by direction of the city manager.

N. As provided by state law, the city attorney may grant to witnesses immunity from prosecution for violation of city ordinances.

E. Correcting obvious errors and inconsistencies, including those involving punctuation, capitalization, cross-references, numbering, and wording;

F. Changing the boldface or italics to more accurately reflect the substance of each section, part, chapter, or title; and

G. Merging or determining priority of any amendments, enactments, or repealers to the same code provisions that are passed by the city council.

The enumeration of the foregoing duties and responsibilities shall not be deemed to prevent or limit the city manager from prescribing additional duties or responsibilities for the city attorney or assigning the designated duties and responsibilities to another director, as the city manager shall deem appropriate. Further, although the activities of the city attorney are subject to the general supervision and direction of the city manager, nothing expressed in this section shall be deemed to be a limitation upon the professional opinion or judgment of the city attorney on matters of law affecting the city.

#### **2.110.030 Correction of technical errors to city code.**

The city attorney is authorized to correct technical errors and make other minor changes to the COTTONWOOD HEIGHTS CODE OF ORDINANCES, including:

A. Adopting a uniform system of punctuation;

B. Eliminating duplication and the repeal of laws directly or by implication, including renumbering when necessary;

C. Correcting defective or inconsistent section and paragraph structure arrangement of the subject matter of existing statutes;

D. Eliminating all obsolete and redundant words;

## **Chapter 2.120**

### **FIRE DEPARTMENT**

#### **Sections:**

#### **2.120.010 Organization.**

#### **2.120.010 Organization.**

Fire and emergency protection services in the city currently are performed by the Unified Fire Authority (the “UFA”), under the direction of the city manager, pursuant to interlocal agreement between the city and the various other governmental entities that are participants in the UFA. Notwithstanding the city’s current method of obtaining fire and emergency protection services, the city may in the future elect to withdraw from the UFA and (a) change its fire and emergency protection services provider to another provider, (b) join as a participant in some other interlocal entity providing fire and emergency protection services to its participants, or (c) create its own fire department to provide fire and emergency protection in the city. At such time, if any, as the city elects to organize its own fire department, this chapter will be modified to provide the necessary organizational framework, designation of responsibilities and other guideline for such department.

## Chapter 2.130

### POLICE DEPARTMENT

#### Sections:

**2.130.010 Organization.** *(Effective until formation of the Cottonwood Heights Police Department (“CHPD”).*

**2.130.010 Organization.** *(Effective upon formation of the CHPD).*

**2.130.020 Role and mission.** *(Effective upon formation of the CHPD).*

**2.130.030 Functions.** *(Effective upon formation of the CHPD).*

**2.130.040 Powers and duties.** *(Effective upon formation of the CHPD).*

**2.130.010 Organization.** *(Effective until formation of the CHPD).*

Law enforcement services in the city currently are performed by the Salt Lake County Sheriff’s department, under the direction of the city manager, pursuant to interlocal agreement between the city and the county. Notwithstanding the city’s current method of obtaining law enforcement services, the city may in the future elect to (a) change its law enforcement services provider from Salt Lake County to another provider, (b) join as a participant in another interlocal entity or consortium of municipalities effecting specific or broad aspects of law enforcement services; or (c) create its own police department to provide law enforcement services in the city. At such time, if any, as the city elects to organize its own police department, this chapter will be modified to provide the necessary organizational framework, designation of responsibilities and other guidelines for such department.

The following sections shall become effective upon creation of the Cottonwood Heights Police Department by separate resolution or ordinance of the Cottonwood Heights City Council or the effective date of termination of the city’s current law enforcement services contract with Salt Lake County:

**2.130.010 Organization.**

There is established the Cottonwood Heights Police Department, and the position of chief of police, who shall serve as the department head, be the appointing power and be responsible for the administration of the department. The chief of police shall have command over all of the officers, members and employees of the police department. The chief of police shall report to and be subject to supervision by the city manager.

**2.130.020 Role and mission.**

The role and mission of the police department is to foster professional law enforcement services that provide crime prevention programs, successful patrol techniques and effective traffic enforcement to ensure safe travel upon city streets, and secure businesses, industries and homes in which citizens and residents can safely work and live.

**2.130.030 Functions.**

The police department and its chief, by and through its sworn officers, shall be responsible for the following:

- A. Preserving the public peace.
- B. Preventing crime, emphasizing adoption of programs for crime prevention.
- C. Detecting and arresting criminal offenders.
- D. Protecting the rights of persons and property.
- E. Regulating and controlling motorized, bicycle, and pedestrian traffic, emphasizing adoption of programs to prevent traffic

accidents.

F. Training of sworn personnel.

F. Providing and maintaining police records and communication systems.

G. Supervising all related functions.

**2.130.040 Powers and duties.**

It shall be the duty of the chief of police, subject to the approval of the manager, to make and adopt rules and procedures for the operation and administration of the police department. The chief of police, acting by himself or the sworn officers of the police department, shall have the following powers and duties:

A. Execute and return all writs and process as directed by a court of competent jurisdiction. In criminal cases, quasi-criminal cases, or cases charging a violation of city ordinances, he may serve the same as authorized by law.

B. Suppress all riots, disturbances, and breaches of the peace.

C. Apprehend all disorderly persons in the city.

D. Pursue and arrest any persons fleeing from justice in any part of the state.

E. Apprehend any person in the act of committing any offense against the laws of the state or ordinances of the city and bring such person before a court of competent jurisdiction for examination and trial consistent with law.

F. Have like powers and be subject to like responsibilities as a sheriff or constable in similar cases.

G. Be responsible for prevention of accidents, crimes and other incidents prohibited by statute or ordinance.

H. Be responsible for the protection of life and property, all pursuant to and as provided by statute and ordinance.

I. Adopt a written policy regarding high speed chases, use of deadly force, racial profiling, and use of nondeadly force (for example, tasers and clubs).

## **Chapter 2.140**

### **STANDING ADVISORY COMMITTEES; VOLUNTEERS**

#### **Sections:**

##### *Part 1--General*

- 2.140.101 Purpose.**
- 2.140.102 Application.**
- 2.140.103 Authority.**
- 2.140.104 Appointment.**
- 2.140.105 Meetings.**
- 2.140.106 Quorum; Voting.**
- 2.140.107 Officers.**
- 2.140.108 Liaison; Support.**
- 2.140.109 Removal or resignation.**
- 2.140.110 Conflicts of interest.**

##### *Part2—Volunteers*

- 2.140.201 Definitions.**
- 2.140.202 Status of volunteers.**
- 2.140.203 Status of community service workers.**
- 2.140.204 Expenses.**

##### *Part3—Youth City Council*

- 2.140.301 Youth city council.**
- 2.140.302 Purpose.**
- 2.140.303 Length of terms.**
- 2.140.304 Officers.**
- 2.140.305 Bylaws.**
- 2.140.306 Operations.**

##### *Part4—Arts Council*

- 2.140.401 Arts council.**
- 2.140.402 Purpose.**
- 2.140.403 Governance.**
- 2.140.404 Operations.**

##### *Part5—Ad Hoc Events Committees*

- 2.140.501 Ad hoc events committees.**

##### *Part6—Historic Committee*

- 2.140.601 Intent.**
- 2.140.602 Creation of committee.**

##### **2.140.603 Duties.**

##### **2.140.604 Historic site register.**

##### **2.140.605 Historic landmark register.**

##### **2.140.606 Standards for rehabilitation and design guidelines.**

##### **2.140.607 Severability.**

##### **2.140.608 Conflicts.**

#### **PART 1--GENERAL**

##### **2.140.101 Purpose.**

The intent of this chapter is to encourage citizen involvement and obtain citizen advice and input through the formation of the various advisory committees described in this chapter and providing for volunteerism in the city. The committees and councils authorized by this chapter are in addition to the legislative advisory committees and the administrative advisory committees authorized in sections 2.30.180 and 2.40.070, respectively, of this title.

##### **2.140.102 Application.**

All of advisory bodies referenced in this chapter shall be governed by this part 1 of this chapter.

##### **2.140.103 Authority.**

The committees, councils and other bodies authorized in this chapter and under sections 2.30.180 and 2.40.070 of this title are not vested with the authority to make decisions regarding the public's business. Instead, the sole purpose of such committees, councils and other bodies is to give non-binding advice to the city council and the city manager, as applicable, who will then make the necessary decisions concerning the public's business.

##### **2.140.104 Appointment.**

A. Membership on a body authorized by this chapter shall be limited to the city residents or qualified individuals who have a vested interest in promoting the welfare of

the city.

B. Members shall be appointed to the committee by the city manager, with advice and consent of the city council.

C. Unless otherwise specified in this chapter, each committee, board or the like shall consist of up to 11 members.

D. The appointment to the committee shall be for a three-year term or the length of the special purpose committee, whichever is less. A member may not serve more than two consecutive terms. If a member is appointed to complete an unexpired term, that member may be reappointed for two additional consecutive full terms. Terms of the initial membership of the committee, board or the like shall be staggered as necessary so that the terms of office of approximately one-third of the members shall expire each year.

#### **2.140.105 Meetings.**

A. All advisory bodies shall meet at least once per calendar quarter. A schedule of regular meeting shall be set during the first meeting of the board and shall be provided to the city manager and the city recorder.

B. If a board determines that additional meetings are necessary, the schedule of additional meetings shall be timely provided to the city manager and the city recorder.

C. Written minutes of all meetings shall be kept, which shall include the date, time and place of the meeting; the names of the members present and absent; the substance of all matters discussed; a record of all votes taken; and any other information a member requests be entered into the minutes.

D. If requested by the city manager, the city recorder or the city attorney, meetings also shall be recorded, provided that the city shall provide the necessary equipment.

E. All meetings otherwise shall conform to the requirements of state law and city ordinance.

#### **2.140.106 Quorum; Voting.**

A majority of members of the committee shall constitute a quorum, and actions of the committee can be made by a majority of a quorum. Each member shall have one vote of equal weight. All voting shall be by voice vote, provided, however, that the chairman may call for a roll-call vote.

#### **2.140.107 Officers.**

A chairman and vice chairman shall be appointed and removed by the city manager. The chairman and vice chairman shall serve a one-year term, and shall not serve more than two consecutive terms. Unless otherwise specified by the city manager, the terms of the chairman and vice chairman shall begin March 1 and end on the last day of February of the following year. The chairman shall preside at all meetings of the board and shall perform such duties as may be required by the city manager or designee. The vice chairman shall perform all duties of the chairman in his absence and shall attend to any other duties specified by the city manager or designee. The chairman shall appoint a person to act as secretary of the board for the purpose of keeping minutes, etc. of the meeting. In the regular secretary's absence, the chairman shall appoint a substitute secretary to act pending the regular secretary's return.

#### **2.140.108 Liaison; Support.**

The city manager, with advice and consent of the city council, shall appoint a liaison from the city's executive or legislative branches to each committee. The city manager also may assign personnel, as deemed necessary, to assist each board, etc. in accomplishing its authorized functions and objectives

#### **2.140.109 Removal or resignation.**

Any member or officer of any board, committee or the like hereunder may be removed at any time by the city manager.



Resignation of any member shall be in writing delivered to the city manager.

#### **2.140.110 Conflicts of interest.**

Members of any board or the like hereunder shall be subject to conflict of interest provisions under the Municipal Officers' and Employees' Ethics Act and this title.

### **PART 2 — VOLUNTEERS**

#### **2.140.201 Definitions.**

A. "*Volunteer*" means any person who donates approved services without pay or other compensation except expenses actually and reasonably incurred as approved by the city. "*Volunteer*" does not include community service workers.

B. "*Community service worker*" means any person who has been convicted of a criminal offense, any youth who has been adjudged delinquent, or any person or youth who has been diverted from the criminal or juvenile justice system, or other disciplinary system, and who performs a public service for an agency as a condition of the person's or youth's sentence, diversion, probation, or parole.

#### **2.140.202 Status of volunteers.**

A volunteer, authorized by the city manager, is considered an employee of the city only for the purposes of:

A. Receiving workers' compensation medical benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Chapters 1 and 2 of Title 35, UTAH CODE ANN.;

B. The operation of motor vehicles or equipment, if the volunteer is properly licensed to do so; and

C. Liability protection and indemnification normally afforded paid city employees.

#### **2.140.203 Status of community service workers.**

A community service worker is considered a government employee for purposes of receiving workers' compensation benefits, which shall be the exclusive remedy for all injuries and occupational diseases as provided under Chapters 1 and 2 of Title 35, UTAH CODE ANN.

#### **2.140.204 Expenses.**

Approved expenses for which volunteers may receive reimbursement include transportation, meals, travel expenses, lodging, uniforms, and/or supplies. Such reimbursement is entirely dependent, however, upon the decision and resources of the individual city departments, with the appropriate financial approvals pursuant to city ordinances and policies.

### **PART 3 — YOUTH CITY COUNCIL.**

#### **2.140.301 Youth city council.**

A. There is hereby created the "Cottonwood Heights Youth City Council."

B. The youth city council shall consist of a youth mayor, a youth city recorder, a youth treasurer, a youth public relations officer, a youth social officer, and youth service officer, and a youth educational officer, all of whom shall be appointed by the city manager with the advice and consent of the city council.

C. The youth city council may have additional unlimited numbers of members serving as youth department heads, committee chairpersons and committee members, appointed by the city manager.

D. The youth city council may create subcommittees and use volunteers who are not on the youth city council to accomplish its purposes.

E. Youths who reside in the city or attend grades 9-12 in a school in the city shall be eligible to apply for participation in the youth city council.

#### **2.140.302 Purpose.**

The youth city council is created as an advisory body to the city to promote and provide an opportunity for the city's youths to acquire a greater knowledge of and appreciation for the political system of local government through active participation; and to obtain information and assistance from the youths regarding planning and implementation of social, educational, cultural and recreational activities for youths.

#### **2.140.303 Length of terms.**

A. The term of appointment for a member is one year.

B. Should a vacancy occur in any of the positions designated in section 2.140.301(B), nominees may be solicited and recommended to the city manager as soon as possible after notification of the vacancy.

#### **2.140.304 Officers.**

A. The youth mayor shall be the chair of the youth city council, and shall be appointed annually by the city manager with the advice and consent of the city council.

B. The youth city recorder shall be the secretary of the youth city council, shall be appointed annually by the city manager, and shall record all proceedings of the youth city council meetings.

C. The city manager, with advice and consent of the city council, shall appoint one or more representatives to the youth city council to be known as the youth city council advisor(s). The youth city council advisor(s) shall attend all meetings of the youth city council and provide leadership and support to the program.

D. Election and/or appointment of other officers may be held as provided in the bylaws.

#### **2.140.305 Bylaws.**

A. The youth city council shall prepare bylaws and submit them to the city council for approval. The bylaws shall include times of and procedures for meetings, quorum and voting requirements, purposes of the program, requirements for membership in the program, methods for conducting business and meeting notice requirements.

B. The youth city council, upon its own initiative, may propose amendments to the bylaws. Such amendments shall be submitted to the city manager for approval and submission to the city council for final approval.

#### **2.140.306 Operations.**

A. As allowed by this chapter, the bylaws and other applicable law, and with the prior approval of the city manager, the youth city council may:

1. Assist the city council and city departments in solving problems and accomplishing goals in the community;

2. Take opportunities to acquire a greater knowledge of and appreciation for the political system of local government through active participation in local government;

3. Inform city government officials regarding planning and implementing of social, educational, cultural and recreational activities for youths;

4. Promote community pride by the development of activities, events and programs.

B. Any collection and expenditure of funds by the youth city council shall be under the direction of the city manager and the city council pursuant to budgeting and accounting procedures currently established by city ordinance and related policies, state law and other applicable regulations. The

youth treasurer, with assistance from the youth city council advisor(s), may represent the youth city council's interests in budget discussions with the city manager and the city council.

## **PART 4 — ARTS COUNCIL.**

### **2.140.401 Arts council.**

The city hereby creates the "Cottonwood Heights Arts Council."

### **2.140.402 Purpose.**

The arts council is created as an advisory body to the city to promote the arts for the betterment of the city and its residents and to enhance the quality of life in the city. The arts council shall act to facilitate this purpose as directed by, or subject to the approval of, the city manager.

### **2.140.403 Governance.**

The arts council shall be governed and shall operate pursuant to the regulations set forth in this chapter.

### **2.140.404 Operations.**

The arts council shall:

A. Promote events and activities which encourage community residents to enjoy musical, literary, visual and performing arts and dance;

B. Provide opportunities for residents to develop and display their talents by participating in literature, visual art exhibits and performing arts events; and

C. Promote other activities to expand and enhance the interests of residents in artistic and cultural events.

D. In furtherance of those purposes, the arts council may:

1. Organize performance of plays, music and other theatrical events;

2. Organize art exhibits and displays;

3. With prior city manager and city council approval, solicit funding or conduct

fund-raising events to advance the arts within the city and to accomplish its other authorized purposes;

4. With prior city manager and city council approval, conduct other activities in furtherance of the city's goals.

E. Any collection and expenditure of funds by the arts council shall be under the direction of the city manager and the city council pursuant to budgeting and accounting procedures currently established by city ordinance and related policies, state law and other applicable regulations.

## **PART 5 — AD HOC EVENTS COMMITTEES.**

### **2.140.501 Ad hoc events committees.**

The city may from time to time form additional committees or advisory bodies on an *ad hoc* basis to act as a resource to the city to assist in the formulation, planning and staging of community events in the city, including, without limitation, annual events such as the celebration of the city's incorporation in January, the Easter egg hunt for children and youth in April, the "Bark in the Park" event for city pet owners, the "Butlerville Days" event in July, and the "Light the Night" holiday lighting contest in December, all for the betterment of the city and its residents and to enhance the quality of life in the city. Such *ad hoc* committees shall act to facilitate this purpose as directed by, or subject to the approval of, the city manager in consultation with the city council. Membership on, and leadership of, such committees shall be at the invitation of the city manager with advice and consent of the city council, for such terms of service as the city manager, with advice and consent of the city council, may determine. *Ad hoc* events committees formed under this part shall not generally be subject to the requirements of sections 2.140.104, 2.140.106 or 2.140.107 of this chapter,

except to the extent necessary to comply with applicable law.

## **PART 6 — HISTORIC COMMITTEE.**

### **2.140.601 Intent.**

The city recognizes that its historical heritage is among its most unique, irreplaceable and important assets. It is therefore the city's intent to identify, preserve, protect and enhance historic buildings, structures, sites, objects, and districts lying within the city limits.

### **2.140.602 Creation of committee.**

A committee, to be called the "Cottonwood Heights Historic Committee," is hereby established by the city as follows:

A. The committee shall consist of a minimum of five members and a maximum of nine members who are city residents with a demonstrated interest, competence, or knowledge in history or historic preservation, appointed for staggered three-year terms. A member may not serve more than two consecutive terms, except that if the member's initial term is less than three years, that member may be reappointed for two additional consecutive terms.

B. To the extent available, two committee members shall be professionals, as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history.

C. The committee shall meet at least once each calendar quarter and conduct business in accordance with the applicable open public meeting laws.

D. Written minutes of each committee meeting shall be prepared and made available for public inspection.

### **2.140.603 Commission duties.**

The committee shall have the following duties:

A. Survey and inventory the city's

historic resources. The committee shall conduct or cause to be conducted a survey of the historic, architectural, and archaeological resources within the city. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years.

B. Review proposed nominations to the National Register of Historic Places. The committee shall review and comment to the Utah State Historic Preservation Officer on all proposed National Register nominations for properties within the city. When the committee considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the committee, the committee shall seek expertise in that area before rendering its decision.

C. Provide advice and information.

1. The committee shall act in an advisory role to other officials and government departments regarding the identification and protection of local historic and archaeological resources.

2. The committee shall work toward the continuing education of citizens regarding historic preservation and community history.

D. Advise and assist in the maintenance and rehabilitation of city-owned historic buildings and sites.

E. Under supervision of the city manager, apply for and administer grants and other financial aid for historic preservation projects in the city.

F. Cooperate in the enforcement of state historic preservation laws. The committee shall support the enforcement of all state laws relating to historic preservation, including, without limitation, *Utah Code Ann.* §§ 17A-3-1301 through 1306 ("*The Historic District Act*"); §§ 9-8-

305, 307, and 308 (regarding the protection of Utah antiquities); and § 9-8-404 (regarding notification of the Utah State Historic Preservation Office of any known proposed action which will destroy or affect a site, building or object owned by the State of Utah and included on or eligible for the state or national registers).

G. Otherwise act to preserve the city's history by organizing historically related performances or other events; by organizing historical displays and exhibits; by collecting and preserving oral and written histories concerning the city, photographs, artifacts and the like, and by undertaking other actions within the scope of the historic committee's authorized purposes.

#### **2.140.604 Historic site register.**

The committee may designate historic properties in the city to the "Cottonwood Heights Historic Site Register" as a means of providing recognition to and encouraging the preservation of historic properties in the city.

A. Criteria for designating properties to the city's historic site register. Any district, building, structure, object or site may be designated to the city's historic site register if it meets all the criteria outlined below:

1. It is located within the city.
2. It is at least 50 years old.
3. Historic integrity:

(a) It retains its historic integrity, in that there are no major alterations or additions that have obscured or destroyed the significant historic features. Major alterations that would destroy the historic integrity include, but are not limited to, changes in pitch of the main roof, enlargement or enclosure of windows on the principal facades, addition of upper stories or the removal of original upper stories, covering the exterior walls with non-historic materials, moving the resource from its original location to one that is dissimilar to

the original, additions which significantly detract from or obscure the original form and appearance of the structure when viewed from the public way.

(b) If the structure does not meet the integrity requirements outlined in subsection 3(a) of this section, it may still qualify for designation if it meets one of the following requirements for exceptional significance:

(1) It is directly associated with events of historic significance in the community.

(2) It is closely associated with the lives of persons who were of historic importance to the community.

(3) It exhibits significant methods of construction or materials that were used within the historic period.

B. Designation procedures. Any person, group, or government agency may nominate a property for listing in the city's historic site register. The nomination and listing procedures are as follows:

1. Completed intensive level survey documentation for each nominated property must be submitted to the committee.

2. The committee will review and consider properly submitted nominations at its next scheduled meeting. The committee will notify the nominating party, either orally or in writing, one week prior to the meeting that the nomination will be considered and will place that item on the agenda posted for the meeting. The one-week notification may be waived at the nominating party's option in order to accommodate "last-minute" submittals.

3. The committee will review the documentation for completeness, accuracy and compliance with the criteria for designating historic properties to the city's historic site register and will make its decision accordingly.

C. Results of designation to the historic site register.

1. Owners of officially designated historic sites may obtain a historic site

certificate from the committee containing the historic name of the property, the date of designation, and signatures of the mayor and the committee chairperson.

2. Proposed exterior work on historic site register structures requiring a building permit, sign permit or demolition permit is subject to the committee's prior review in order to ensure the preservation of such structures to the greatest degree possible.

3. If a historic site is to be demolished or extensively altered, the committee shall endeavor to document its physical appearance before that action takes place.

(a) The city will delay issuing a building permit, sign permit or demolition permit for a maximum of 30 days and will notify a member of the committee, which will take responsibility for the documentation.

(b) Documentation will include, at minimum, exterior photographs (both black-and-white and color slides) of all elevations of the structure. When possible, both exterior and interior measurements of the structure will be made in order to provide an accurate floor-plan drawing of the structure.

(c) The demolition permit will be issued after 30 days of the initial application whether or not the committee has documented the building. The permit may be issued earlier if the committee completes its documentation before the 30-day deadline.

(d) The documentation will be kept in the committee's historic site register files, which shall be open to the public.

D. Removal of properties from the historic site register. Properties which, in the committee's opinion, no longer meet the criteria for eligibility may be removed from the historic site register after review and consideration by the committee.

E. Amendment to historic site register. The city council may amend the historic site register adopted by the committee from time to time, including deleting existing sites or

adding additional sites.

#### **2.140.605 Historic landmark register.**

Significant historic properties in the city may be designated to the "Cottonwood Heights Historic Landmark Register" for the purposes of recognizing their significance and providing protections, incentives and guidelines for their preservation. The structures on the city's historic landmark register from time to time shall be listed in chapter 19.86 of this code.

A. Criteria for designating properties to the city's historic landmark register. Any district, building, structure, object or site may be designated to the city's historic landmark register if it meets all the criteria outlined below:

1. It is located within the city.
2. It is at least 50 years old.
- 3.

(a) It is currently listed in the National Register of Historic Places and a copy of the approved National Register form has been placed in the local historic preservation files.

(b) A property not yet listed in the National Register must:

- (i) Retain its historic integrity as defined in section 2.40.040(A)(3)(a), and
- (ii) Meet at least one of the following National Register criteria:

(1) Be associated with events that have made a significant contribution to the broad patterns of the community's history; or

(2) Be associated with the lives of persons significant in the community's past; or

(3) Embody the distinctive characteristics of a type, period, or method of construction or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

(4) Have yielded, or may be

likely to yield, information important in prehistory or history (archeological sites, for example).

4. Owner approval

(a) Individual properties. Except for properties already designated in chapter 19.86 of this code, the owner of the property must approve the action to designate his property to the city's historic landmark register by submitting to the committee a written statement to that effect. Once designated, however, the property shall remain on the register until its removal by action of the committee or city council.

(b) Historic districts. A majority of the property owners in a proposed historic district must be unopposed to creation of such historic district. Written objections from over 50% of the property owners in the proposed district will constitute lack of approval and will halt the designation process.

B. Designation procedures.

1. Submittal to the committee of complete intensive level survey or National Register of Historic Places documentation shall initiate the review process.

2. The committee shall place properly submitted nominations on the agenda for its next scheduled meeting and shall notify the nominating party and the property owner, either orally or in writing, 14 days prior to the meeting that the nomination will be considered. The 14-day notification period may be waived at the property owner's option. In the case of historic districts, notification of proposed nominations may be made by public notice placed in the local newspaper or posted in a public building.

3. The committee shall review the documentation for completeness, accuracy, and compliance with the criteria for designating properties to the city's historic landmark register and may, by passage of an appropriate resolution, designate properties to the city's historic landmark register.

C. Notification and recording of designation. Following designation by the committee, a notice of such shall be mailed to the owners of record together with a copy of this ordinance. In the case of historic district designation, notice of such may be placed in the local newspaper or in a public building rather than mailed to each owner of property in the district. If legally permissible, the committee shall record such historic landmark register status designation with the Salt Lake County Recorder's office.

D. Results of designation to historic landmark register.

1. Owners of properties designated to the city's historic landmark register may obtain a plaque to be placed on an outside wall of the structure and receive a historic landmark certificate from the committee containing the historic name of the property, date of construction, the date of designation and the signatures of the mayor and the committee chairperson.

2. Properties designated to the city's historic landmark register may receive special consideration in the granting of zoning variances or conditional use permits in order to encourage their preservation.

3. In the event of rehabilitation of the property, local building officials will consider waiving certain code requirements in accordance with any provisions of the city's building code then in effect which deals with historic buildings, and the Uniform Code for Building Conservation, a special code for existing buildings.

4. Owners of structures on the city's historic landmark register may seek assistance from the committee in applying for grants or tax credits for rehabilitating their properties.

5. In addition to other protections provided to landmark structures in chapter 19.86 of this code, proposed modifications to any structure on the city's historic landmark register requiring a building

permit, sign permit or demolition permit requires the prior review of the committee and the prior approval of the city's planning committee in order to ensure the preservation of the city's historic landmarks to the greatest degree possible. This review applies to individually designated historic landmark properties or any property, contributing or non-contributing, located in a historic landmark-designated historic district.

(a) Applications for building, demolition, or sign permits pertaining to historic landmark register structures shall be forwarded by the city's community development department to the committee prior to their issuance.

(b) A permit applicant, in order to obtain such a permit from the community development department, shall file a request for a certificate of appropriateness with the committee on a form furnished by the committee; provided, however, that the committee's issuance of such a certificate of appropriateness shall not in any way require the city's planning committee or its community development department to issue the requested permit.

(c) At its next scheduled meeting, the committee shall review the application and the proposed work for compliance with any standards for rehabilitation and design guidelines adopted by the committee and the city council.

(i) Applicants whose proposed projects comply with the provisions of this chapter and chapter 19.86 of this code shall be issued a certificate of historic appropriateness within ten days after the committee's meeting, which authorizes (but does not require or otherwise mandate) the issuance of the appropriate permit, subject to planning committee approval.

(ii) Applicants whose proposed projects are found to be in non-compliance with this chapter and/or chapter 19.86 of this

code shall be offered a negotiating period of 60 days, during which time the committee and applicant shall explore all options for an acceptable solution. These may include the feasibility of modifying the plans, using the historic landmark for alternative purposes, and reselling the property to another party. The committee may extend the negotiating period an additional 60 days for the purposes described above if deemed necessary to accommodate a potential solution.

(iii) If no solution has been agreed upon at the conclusion of either the initial 60-day period or the full 120-day period, the certificate of historic appropriateness will be denied and the permit will not be issued.

(d) Claims of economic hardship. The committee may approve issuance of a certificate of appropriateness for rehabilitation or demolition of a landmark property if the owner has presented compelling, substantial evidence demonstrating that unreasonable economic hardship will result from denial of the certificate of appropriateness.

(i) Economic hardship criteria. In order to sustain a claim of unreasonable economic hardship, the committee may require the owner to provide evidence from a qualified third party regarding whether the property is capable of producing a reasonable economic return for the owner.

(ii) Demonstration of economic hardship by the owner shall not be based on conditions resulting from willful or negligent acts by the owner, purchasing the property for substantially more than market value at the time of purchase, failure to perform normal maintenance and repairs, failure to diligently solicit and retain tenants, or failure to provide normal tenant improvements.

(e) An applicant who has been denied any permit by the city's community



development department or planning committee, based on the committee's refusal to issue a certificate of historic appropriateness, may appeal that decision to the city council at any time within 30 days after the historic committee's decision.

E. Removal of properties from the historic landmark register. Properties which, in the opinion of the committee, no longer meet the criteria for eligibility may be removed from the city's historic landmark register after review and consideration by the committee and affirmative vote of the city council.

F. Amendment to historic landmark register. The city council may amend the city's historic landmark register from time to time, including deleting sites or adding additional sites.

G. Enforcement. The provisions of this section are subject to the enforcement provisions established in the city's building code and any other pertinent provisions of this code.

#### **2.140.606 Standards for rehabilitation and design guidelines.**

The committee may adopt standards and guidelines to be used by the committee in determining the historic appropriateness of any application pertaining to historic landmark register properties. Such standards and guidelines shall be subject to approval by the city council.

#### **2.140.607 Severability.**

The provisions of this part 6 of this chapter 2.140 are severable.

#### **2.140.608: Conflicts.**

In the event of any conflict between the provisions of this part 6 of this chapter 2.140 and the provisions of chapter 19.86 of this code, the provisions of chapter 19.86 shall control.